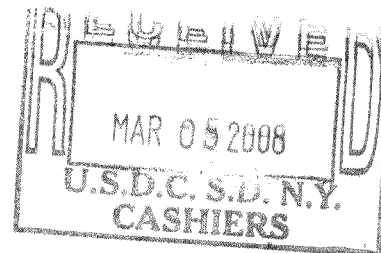


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
HOWARD THALER.

Petitioner,

08 CV 0110 (CLB)

v.

UNITED STATES OF AMERICA,

Respondent.
-----X

MOTION TO AMEND AND SUPPLEMENT PETITION

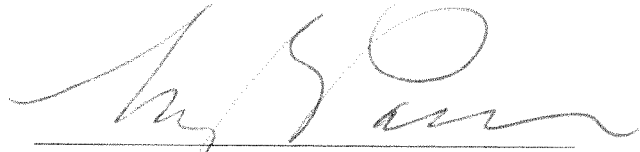
COMES NOW the Plaintiff, through his attorney, Inga L. Parsons, and hereby moves for leave to amend and supplement the previously filed *pro se* pleadings in this habeas corpus matter. In support of this motion, the Plaintiff avers as follows:

1. Plaintiff filed his writ of habeas corpus without assistance of criminal law counsel.
2. Before the reply was due, Plaintiff made efforts to retain an attorney but was unable to do so until after the reply date.
3. In order to ensure compliance with this Court's filing date, Plaintiff filed his own handwritten affidavit as reply as his counselor at Otisville was out of the office ill for over a week and he was unable to make phone calls to any attorney or receive phone calls from an attorney.

4. On the counselor's first day back, Counsel was able to get a call through and was retained as of yesterday, March 4, 2008, and is filing her notice of appearance simultaneously with this motion.
5. Upon cursory review, given that Plaintiff's petition and brief was filed pro se by someone without criminal law experience, supplementation, clarification and a full legal argument are necessary and would assist in the disposition of this matter.
6. Counsel would request an additional 60 days to review the file and supplement and refine the arguments as legal counsel in this matter.
7. Counsel requests this additional time due to the fact that she will be out of the country for a week and on trial for two weeks during the month of March on previously scheduled matters.
8. Counsel understands that the Government has sought additional time to make further response and has no objection to whatever additional time the Government should need to respond to counsel's submission which should be a clearer, more detailed and refined legal argument.
9. For other good and just cause.

WHEREFORE it is respectfully requested that this Court permit Plaintiff's counsel 60 days to supplement and refine the habeas petition filed in this case, for sufficient time for the Government to respond to that petition as necessary and for such other and further relief as this Court deems just and necessary.

Dated: New York, New York
March 5, 2008



Inga L. Parsons (ip8889)
5 Bessom Street, No. 234
Marblehead, MA 01945
781-581-2262


CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on the 5th day of March, 2008,
upon the following by:

Elliott Bruce Jacobson

U.S. Attorney's Office, White Plains
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9149931940
Fax: 9149931980
Email: elliott.jacobson@usdoj.gov

- ☒ e-mail
- ☐ hand delivery
- ☐ fax
- ☒ mail, postage paid
- ☐ electronic filing


Inga L. Parsons

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

HOWARD THALER.

Petitioner,

08 CV 0110 (CLB)

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Respondent.

-----X

ORDER ON MOTION TO AMEND AND SUPPLEMENT PETITION

THIS MATTER having come before this Court on Plaintiff's motion for leave to amend and supplement the previously filed *pro se* pleadings in this habeas corpus matter, and finding good cause therein, it is hereby

ORDERED that Plaintiff, through his counsel, may supplement and amend the habeas corpus petition within 60 days from the date of this order; and it is

FURTHER ORDERED that the Government shall have sufficient time to respond to the submission of _____ days.

DATED: March ____, 2008
White Plains, New York

SO ORDERED

Hon. Charles L. Bricant
U.S.D.J.